

### **REMARKS**

Claims 1- 52 are pending. Claims 1, 2, 7, 10, 21, 22, 27 and 30 have been amended, and no claims have been newly added. Reconsideration is respectfully requested. The amendments made to the independent claims are supported by the specification and do not introduce new matter.

Applicant wishes to thank the Examiner for his courtesy in granting the telephonic interview with the Applicant.

### **PRIOR ART REJECTIONS**

In response to the Examiner's rejection of Claims 1, 3-4, 6 -16, 21, 23-24 and 26-36 under 35 USC 103(a) as being unpatentable over by U.S. Patent No. 6,190,173 to Jenkins et al. (hereinafter "Jenkins '173") in view of U.S. Patent No. 5,927,988 to Jenkins et al. (hereinafter "Jenkins '988"), the rejection of Claims 2, 5, 22 and 25 under 35 USC 103(a) as being unpatentable over Jenkins '173 in view Jenkins '988 and further in view of U.S. Patent No. 4,884,972 to Gasper (hereinafter "Gasper"), the rejection of Claims 17-19, 37-39 under 35 USC 103(a) as being unpatentable over Jenkins '173 and Jenkins '988 and further in view of U.S. Patent No. 5,456,607 to Antoniak (hereinafter "Antoniak"), the rejection of Claims 20 and 40 under 35 USC 103(a) as being unpatentable over Jenkins '173 and Jenkins '988 and further in view of U.S. Patent No. 5,596,698 to Morgan (hereinafter "Morgan"), the rejection of Claims 41- 44 under 35 USC 103(a) as being unpatentable over Jenkins '173 in view of Morgan, the rejection of Claims 45 and 49 as being unpatentable over Jenkins '173 in view of Antoniak and the rejection of Claims 46-8 and 50-52 under 35 USC 103(a) as being unpatentable over Jenkins '173 in view of Antoniak and further in view of U.S. Patent No. 6,134,529 to Rothenberg (hereinafter "Rothenberg"), Applicant respectfully traverses these rejections. In particular, the prior art cited by the Examiner does not render obvious the claims of this application for the reasons set forth below. Therefore, the claims of this application are allowable over the prior art cited by the Examiner and early allowance of the application is respectfully requested.

### **Arguments**

#### **Claims 1, 2, 7, 10, 21, 22, 27, 30**

Jenkins '173 and Jenkins '988, in combination, do not render Claims 1, 2, 7, 10, 21, 22, 27, 30 obvious. In particular, the combination of Jenkins '173 and Jenkins '988 do not teach the

claimed element “wherein the game first trains the phonological skills of the user and then automatically transitions to training the sound/symbol correspondence skills once the phonological skills are mastered which develops and systematically bridges the phonological skills to the sound/symbol correspondence skills.” In the most recent office action, the Examiner admitted that Jenkins ‘173 does not disclose this element or the claimed transitioning from phonological skills to sound/symbol correspondence skills.

Furthermore, Jenkins ‘988 does not disclose this element. In support, the Examiner has cited Col. 27, lines 10-51 of Jenkins ‘988 to support his argument that Jenkins ‘988 discloses the claimed transitioning. Jenkins ‘988 describes a system that has 8 different games. See Figure 8 and Col. 8, line 39 – 61 and the order of games may be varied or may be determined by speech language specialist. See Col. 8, line 64 – Col. 9, line 27. The portion of Jenkins ‘988 used by the Examiner to support his rejection discloses a “Phoneme Identification” game and then describes a “Language Comprehension Builder” game. The first portion of that section explains the process by which the difficulty level of the phoneme training game is increased while the last portion (Col. 27, lines 42- 51) describes the language comprehension building game which appears at that location since that is next game shown in Figure 28 that follows Figure 27 (which discloses the method of the phoneme game). However, Jenkins ‘988 does not disclose the claim element set forth above wherein the training first trains the phonological skills and then automatically transitions to the sound symbol correspondence training. Therefore, Claims 1, 2, 7, 10, 21, 22, 27, 30 are not rendered obvious by the combination of two Jenkins patents. Therefore, these independent claims are allowable over the prior art cited by the Examiner.

The claims which depend from Claims 1, 2, 7, 10, 21, 22, 27 and 30 are allowable over the prior art cited by the Examiner for at least the same reasons as Claims 1, 2, 7, 10, 21, 22, 27 and 30. Accordingly, all claims of this application are in condition for allowance.

CONCLUSION

In view of the above arguments, it is respectfully submitted that Claims 1-52 are allowable over the prior art cited by the Examiner for the reasons set forth above and early allowance of the application is respectfully requested.

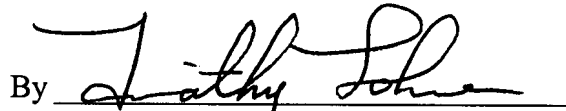
The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 07-1896. The Examiner is invited to contact Applicant's Attorney at (650) 833-2055 if there are any questions or if the Examiner feels that a telephone conference will speed the prosecution of this application.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP

Dated: December 19, 2003

By



Timothy W. Lohse  
Attorney for Applicant  
Reg. No. 35,255

GRAY CARY WARE & FREIDENRICH LLP  
Attn: Patent Department  
2000 University Avenue  
East Palo Alto, CA 94303  
Telephone: (650) 833-2055